

## **IC 14-13**

### **ARTICLE 13. LOCAL RESOURCE DEVELOPMENT**

#### **IC 14-13-1**

Chapter 1. Indiana White River State Park Development Commission

##### **IC 14-13-1-1**

###### **"Commission" defined**

Sec. 1. As used in this chapter, "commission" refers to the Indiana White River state park development commission.

*As added by P.L.1-1995, SEC.6.*

##### **IC 14-13-1-2**

###### **"Fund" defined**

Sec. 2. As used in this chapter, "fund" refers to the White River park development fund created by this chapter.

*As added by P.L.1-1995, SEC.6.*

##### **IC 14-13-1-3**

###### **Purposes of chapter**

Sec. 3. The general purposes of this chapter are to do the following:

- (1) Promote the general health and welfare of citizens of Indiana.
- (2) Provide for the creation, development, and facilitation of park, exposition, educational, athletic, and recreational projects.
- (3) Provide for the operation and maintenance of those projects.
- (4) Create a commission with the authority to carry out the purposes of this chapter.

*As added by P.L.1-1995, SEC.6.*

##### **IC 14-13-1-4**

###### **Liberal construction**

Sec. 4. This chapter, being necessary for the welfare of Indiana and the inhabitants of Indiana, should be liberally construed to effect the purposes of this chapter.

*As added by P.L.1-1995, SEC.6.*

##### **IC 14-13-1-5**

###### **Creation of commission**

Sec. 5. The Indiana White River state park development commission is created as a public body corporate and politic.

*As added by P.L.1-1995, SEC.6.*

##### **IC 14-13-1-6**

###### **Voting members**

Sec. 6. The commission has ten (10) voting members as follows:

- (1) The director or the director's designee.
- (2) The executive of the city of Indianapolis or the executive's

designee.

(3) The president of Indiana University or the president's designee.

(4) Seven (7) members appointed by the governor as follows:

(A) One (1) member for a term ending December 31, 1995.

(B) Two (2) members for terms ending December 31, 1996.

(C) Two (2) members for terms ending December 31, 1997.

(D) Two (2) members for terms ending December 31, 1998.

*As added by P.L.1-1995, SEC.6.*

#### **IC 14-13-1-7**

##### **Term of voting members**

Sec. 7. The term of a voting member is four (4) years. However, if an appointee is appointed to serve an unexpired term, the appointee serves only until the end of the unexpired term.

*As added by P.L.1-1995, SEC.6.*

#### **IC 14-13-1-8**

##### **Political party affiliation of voting members**

Sec. 8. Two (2) members appointed for terms expiring at the same time may not belong to the same political party.

*As added by P.L.1-1995, SEC.6.*

#### **IC 14-13-1-9**

##### **Legislative members**

Sec. 9. (a) In addition to the voting members of the commission, the governor shall appoint four (4) legislative members from the general assembly from recommendations made by the speaker of the house of representatives and the president pro tempore of the senate as follows:

(1) Two (2) legislative members must be members of the house of representatives, but may not be members of the same political party.

(2) Two (2) legislative members must be members of the senate, but may not be members of the same political party.

(b) The legislative members may not:

(1) vote in proceedings of the commission; and

(2) be counted for purposes of establishing a quorum.

(c) The term of a legislative member is four (4) years, except for the following:

(1) A legislative member's membership on the commission is terminated when the legislative member ceases to be a member of the general assembly.

(2) A legislative member appointed to serve an unexpired term may serve only until the end of that term.

*As added by P.L.1-1995, SEC.6.*

#### **IC 14-13-1-10**

##### **Eligibility for reappointment**

Sec. 10. A member of the commission is eligible for

reappointment.

*As added by P.L.1-1995, SEC.6.*

#### **IC 14-13-1-11**

##### **Chairman; treasurer**

Sec. 11. The governor shall annually designate:

- (1) one (1) of the voting members of the commission as chairman; and
- (2) one (1) of the voting members of the commission as treasurer;

for terms expiring December 31.

*As added by P.L.1-1995, SEC.6.*

#### **IC 14-13-1-12**

##### **Meetings**

Sec. 12. (a) The commission shall meet on call of any of the following:

- (1) The chairman.
  - (2) The executive director.
  - (3) Any three (3) voting members.
- (b) Seven (7) voting members constitute a quorum.

*As added by P.L.1-1995, SEC.6.*

#### **IC 14-13-1-13**

##### **Per diem compensation and traveling expenses**

Sec. 13. (a) Each voting member is entitled to reimbursement for traveling and other expenses as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency. Each voting member who is not a state employee is entitled to the minimum salary per diem as provided in IC 4-10-11-2.1(b).

(b) Each legislative member of the commission is entitled to receive the same per diem, mileage, and travel allowances paid to members of the general assembly serving on interim study committees established by the legislative council.

*As added by P.L.1-1995, SEC.6.*

#### **IC 14-13-1-14**

##### **Executive director**

Sec. 14. The governor shall appoint an executive director for the commission.

*As added by P.L.1-1995, SEC.6.*

#### **IC 14-13-1-14.5**

##### **Code of ethics**

Sec. 14.5. (a) The commission shall:

- (1) adopt:
    - (A) rules under IC 4-22-2; or
    - (B) a policy;
- establishing a code of ethics for its employees; or

(2) decide it wishes to be under the jurisdiction and rules adopted by the state ethics commission.

(b) A code of ethics adopted by rule or policy under this section must be consistent with state law and approved by the governor.

*As added by P.L.5-1996, SEC.13.*

#### **IC 14-13-1-15**

##### **Park project development plan**

Sec. 15. (a) The commission may design and implement a plan for the establishment and development of park, exposition, educational, athletic, and recreational projects to be located within one (1) mile of the banks of the White River in a consolidated city and county. The projects may include any of the following:

- (1) Parks.
- (2) Recreational facilities.
- (3) Exposition facilities.
- (4) Zoos, aquariums, aviaries, or other facilities for animal life.
- (5) Facilities for entertainment, meetings, industrial and trade shows, athletic events, and other displays and events of cultural, educational, entertainment, and recreational value.
- (6) Other facilities that the commission considers appropriate to the general public welfare and to the cultural, recreational, educational, or civic well-being of the public.

(b) In designing and implementing this plan, the commission may employ the architects, engineers, surveyors, planners, advisors, and consultants that the commission considers appropriate. The commission may seek and accept the advice and comments of other persons and entities, including political subdivisions and public agencies, that the commission considers appropriate.

*As added by P.L.1-1995, SEC.6.*

#### **IC 14-13-1-16**

##### **Acquisition of property by purchase or lease**

Sec. 16. (a) The commission may acquire, by purchase or by lease:

- (1) any land, property, rights, rights-of-way, franchises, easements, and other interests in real property, including land under water and riparian rights; and
- (2) any existing facilities, betterments, and improvements;

that the commission considers necessary or convenient for the establishment, development, construction, improvement, or operation of any projects.

(b) Property may be acquired under subsection (a):

- (1) upon the terms; and
- (2) at the price or rent;

that the commission considers reasonable and that are agreed upon by the commission and the owner.

(c) The commission may acquire land and other interests in real property under subsection (a) by:

- (1) gift or bequest; or

(2) condemnation under section 17 of this chapter.

(d) The commission shall take and hold title to the land and other interests in the name of the state of Indiana.

*As added by P.L.1-1995, SEC.6.*

#### **IC 14-13-1-17**

##### **Eminent domain powers**

Sec. 17. (a) The commission may acquire by appropriation under Indiana eminent domain law:

(1) any land, property, rights, rights-of-way, franchises, easements, or other interests in real property, including land under water and riparian rights; or

(2) any existing facilities, betterments, and improvements, or other property;

necessary and proper for the creation, development, establishment, maintenance, or operation of a project or any part of a project.

(b) If property is acquired under Indiana eminent domain law, the commission shall use the property only for the specific uses that are stated in the complaint filed under IC 32-24-1-4 and for no other purpose.

*As added by P.L.1-1995, SEC.6. Amended by P.L.2-2002, SEC.58.*

#### **IC 14-13-1-18**

##### **Acquisition of property from political subdivisions or public entities**

Sec. 18. Each:

(1) county, city, town, township, and other political subdivision of the state; and

(2) public agency, department, and commission;

may, upon the terms and conditions that the proper authorities of the entity and the commission consider reasonable and appropriate, lease, lend, grant, or convey to the commission, at the commission's request, real or personal property, including an interest in the property, owned by the entity that is necessary or convenient to effecting the purposes of this chapter.

*As added by P.L.1-1995, SEC.6.*

#### **IC 14-13-1-19**

##### **Property improvements**

Sec. 19. In establishing and developing projects, the commission may:

(1) construct, reconstruct, establish, build, repair, remodel, enlarge, extend, or add to the facilities, betterments, and improvements; and

(2) clear and prepare any site for construction;

that the commission considers appropriate and in furtherance of the purposes of this chapter.

*As added by P.L.1-1995, SEC.6.*

#### **IC 14-13-1-20**

### **Conveyance of property to political subdivisions or public entities**

Sec. 20. (a) The commission may sell, transfer, or convey to:

- (1) a political subdivision of the state; or
- (2) a public agency, department, or commission;

for the consideration and upon the terms that the commission considers appropriate real property, including a facility, betterment, or improvement, within the projects or acquired under this chapter, if the sale, transfer, or conveyance and ownership by the transferee further the purposes of this chapter.

(b) Transfer is subject to the restrictions that the commission considers appropriate and in furtherance of the purposes of this chapter.

*As added by P.L.1-1995, SEC.6.*

### **IC 14-13-1-21**

#### **Management of park projects**

Sec. 21. (a) The commission may provide for the construction, improvement, development, operation, and management of the projects, including any facilities, betterments, and improvements that are part of the projects, in the manner that the commission considers appropriate and in furtherance of the purposes of this chapter.

(b) The commission may enter into:

- (1) a lease agreement as lessor or sublessor; or
- (2) an operating or license agreement;

with respect to all or part of a site, a facility, a betterment, or an improvement that is part of the projects with at least one (1) public or private person or entity, including political subdivisions of the state and public agencies, departments, and commissions, on the terms and conditions that the commission considers appropriate and in furtherance of the purposes of this chapter.

*As added by P.L.1-1995, SEC.6.*

### **IC 14-13-1-22**

#### **State capitol health council**

Sec. 22. (a) As used in this section, "council" refers to the Indiana state capitol health council.

(b) The Indiana state capitol health council is created for purposes of advising and making recommendations to the commission concerning the development, implementation, and facilitation of programs, projects, and events for participation by the public in the areas of biology, medicine, pharmaceuticals, nutrition, and related areas.

(c) The council consists of not more than twenty (20) members appointed by the governor under section 26 of this chapter. Members shall be selected to give the council the benefit of the resources of the state relevant to the council's purposes and may include the following:

- (1) Persons affiliated with private and public medical, educational, and scientific organizations and institutions.
- (2) Other persons whose experience or duties are relevant to the

purposes of the council.  
*As added by P.L.1-1995, SEC.6.*

#### **IC 14-13-1-23**

##### **State capitol food and agriculture council**

Sec. 23. (a) As used in this section, "council" refers to the Indiana state capitol food and agriculture council.

(b) The Indiana state capitol food and agriculture council is created for purposes of advising and making recommendations to the commission concerning the development, implementation, and facilitation of programs, projects, and events for participation by the public in the areas of agriculture, distribution and processing of food, and related areas.

(c) The council consists of not more than twenty (20) members appointed by the governor under section 26 of this chapter. Members shall be selected to give the council the benefit of the resources of the state relevant to the council's purposes and may include the following:

- (1) Persons experienced in agriculture, food distribution, and food processing.
- (2) Persons affiliated with educational institutions.
- (3) Public officials and other persons whose experience or duties are relevant to the purposes of the council.

*As added by P.L.1-1995, SEC.6.*

#### **IC 14-13-1-24**

##### **State capitol athletic council**

Sec. 24. (a) As used in this section, "council" refers to the Indiana state capitol athletic council.

(b) The Indiana state capitol athletic council is created for purposes of advising and making recommendations to the commission concerning the development, implementation, and facilitation of athletic and recreational programs, projects, events, facilities, and related matters.

(c) The council consists of not more than twenty (20) members appointed by the governor under section 26 of this chapter. Members shall be selected to give the council the benefit of the resources of the state relevant to the council's purposes and may include the following:

- (1) Persons affiliated with educational institutions and professional and amateur athletic organizations.
- (2) Other persons whose experience and duties are relevant to the purposes of the council.

*As added by P.L.1-1995, SEC.6.*

#### **IC 14-13-1-25**

##### **State capitol animal and wildlife council**

Sec. 25. (a) As used in this section, "council" refers to the Indiana state capitol animal and wildlife council.

(b) The Indiana state capitol animal and wildlife council is created

for purposes of advising and making recommendations to the commission concerning the development, implementation, and facilitation of programs, projects, and events for participation by the public in the areas of domestic and nondomestic animal science, breeding, and care, veterinary science, animal nutrition, zoological science, animal wildlife study, and related areas.

(c) The council consists of not more than twenty (20) members appointed by the governor under section 26 of this chapter. Members shall be selected to give the council the benefit of the resources of the state relevant to the council's purposes and may include the following:

- (1) Persons affiliated with educational, scientific, and agricultural institutions and organizations.
- (2) Other persons whose experience and duties are relevant to the purposes of the council.

*As added by P.L.1-1995, SEC.6.*

#### **IC 14-13-1-26**

##### **Members of councils**

Sec. 26. The membership of each council created by this chapter shall be appointed as follows:

- (1) The term of each member is four (4) years, expiring December 31. One-fourth (1/4) of the initial members of each council shall be appointed for terms expiring each year.
- (2) The governor shall designate one (1) of the members of each council as chairman of the council.
- (3) A member is eligible for reappointment.
- (4) Not more than sixty percent (60%) of the members of each council may be affiliated with the same political party.
- (5) A vacancy occurring during a term shall be filled for the unexpired term by majority vote of the remaining members of the council.

*As added by P.L.1-1995, SEC.6.*

#### **IC 14-13-1-27**

##### **Consultation with advisory councils**

Sec. 27. The commission shall do the following:

- (1) Consult with the following:
  - (A) The health council.
  - (B) The food and agriculture council.
  - (C) The athletic council.
  - (D) The animal and wildlife council.
- (2) Study the feasibility of programs, projects, events, and facilities of national and international significance in the areas of health, nutrition, physical fitness, medical science, recreation, athletics, animal study, veterinary science, and related areas.

*As added by P.L.1-1995, SEC.6.*

#### **IC 14-13-1-28**



### **General powers of commission**

Sec. 28. The commission may do the following:

- (1) Adopt bylaws for the regulation of the commission's affairs and the conduct of the commission's business.
- (2) Adopt an official seal, which may not be the seal of the state.
- (3) Maintain a principal office and other offices that the commission designates.
- (4) Sue and be sued in the name and style of "White River State Park Development Commission", with service of process being had upon the chairman of the commission by leaving a copy at the principal office of the commission.
- (5) Acquire by grant, purchase, gift, devise, lease, eminent domain, or otherwise and hold, use, sell, lease, or dispose of:
  - (A) real and personal property of every kind and nature; and
  - (B) any right and interest;necessary for the full exercise or convenient or useful for the carrying on of any of the commission's powers under this chapter.
- (6) Exercise within Indiana and in the name of the state of Indiana the power of eminent domain under Indiana law governing the exercise of the power of eminent domain for any public purposes.
- (7) Fix, collect, and review admission charges, entrance fees, tolls, and other user charges for the use of a facility within the projects owned or leased by the commission or dedicated to the commission by a political subdivision of the state or a public agency, department, or commission having jurisdiction of the facility.
- (8) Acquire by fee or by lease, obtain option on, hold, and dispose of real and personal property reasonably necessary and proper to the exercise of the commission's powers and the performance of the commission's duties under this chapter.
- (9) Make and enter into all contracts, undertakings, and agreements necessary or incidental to the performance of the commission's duties and the execution of the commission's powers under this chapter.
- (10) Employ and fix the compensation of consulting engineers, superintendents, and other engineers, construction and accounting experts, attorneys, and other employees and agents the commission considers necessary.
- (11) Conduct studies of the financial feasibility of the park and recreational projects and facilities, betterments, and improvements within those projects.
- (12) Avail itself of the services of professional and other personnel employed by an agency, a department, or a commission of the state for purposes of studying the feasibility of or designing, constructing, or maintaining the projects or a facility within those projects.
- (13) Receive and accept:

(A) from the federal government or a federal agency or department grants for or in aid of the acquisition, construction, improvement, or development of any part of the projects of the commission; and

(B) aid or contributions from any source of money, property, labor, or other things of value;

to be held, used, and applied only for the purposes, consistent with the purposes of this chapter, for which the grants and contributions may be made.

(14) Hold, use, administer, and expend the money that is appropriated or transferred to the commission.

(15) Assist or cooperate with a political subdivision or public agency, department, or commission, including the payment of money or the transfer of property by the commission to the political subdivision or public agency, department, or commission, if the commission considers the assistance or cooperation appropriate and in furtherance of the purposes of this chapter.

(16) Accept assistance and cooperation from a political subdivision or public agency, department, or commission, including the acceptance of money or property by the commission from the political subdivision or public agency, department, or commission, if the commission considers the assistance or cooperation appropriate and in furtherance of the purposes of this chapter.

(17) All acts and things necessary or proper to carry out the powers expressly granted in this chapter.

*As added by P.L.1-1995, SEC.6.*

#### **IC 14-13-1-29**

##### **Creation of fund**

Sec. 29. (a) The White River park development fund is created. The commission shall make expenditures from the fund only to accomplish the purposes of this chapter, including the acquisition of real property and interests in real property as the site for projects of the commission and the construction of facilities, betterments, and improvements within the projects.

(b) The commission shall do the following:

(1) Hold the fund in the name of the commission.

(2) Administer the fund.

(3) Make all expenditures from the fund.

(c) The money in the fund at the end of a fiscal year remains in the fund and does not revert to any other fund.

*As added by P.L.1-1995, SEC.6.*

#### **IC 14-13-1-30**

##### **Revenue bonds; issuance**

Sec. 30. (a) The acquisition, construction, or improvement of real property, a facility, a betterment, or an improvement constituting part of a project of the commission, including acquisition of the site for

a project, may be financed in whole or in part by the issuance of bonds payable solely out of the net income received from the operation of the real property, facility, betterment, or improvement.

(b) If the commission desires to finance an acquisition, a construction, or an improvement in whole or in part as provided in this section or sections 31 through 36 of this chapter, the commission must adopt a resolution authorizing the issuance of bonds. The resolution must set forth the following:

- (1) The date on which the principal of the bonds matures, not exceeding forty (40) years from the date of issuance.
- (2) The maximum interest rate to be paid on the bonds.
- (3) Other terms and conditions upon which the bonds are issued.

(c) The commission shall take all actions necessary to issue the bonds in accordance with the resolution. The commission may enter into a trust agreement with a trust company as trustee for the bondholders. An action to contest the validity of any bonds to be issued under this chapter may not be brought after the fifteenth day following the receipt of bids for the bonds.

*As added by P.L.1-1995, SEC.6.*

#### **IC 14-13-1-31**

##### **Revenue bonds; not debt of state or subdivision; payable solely from money pledged**

Sec. 31. (a) Revenue bonds issued under this chapter or under IC 14-6-29 (before its repeal) do not constitute any of the following:

- (1) A debt of the state or of a political subdivision of the state.
- (2) A pledge of the faith and credit of the state or a political subdivision of the state.

(b) The bonds are payable solely from the revenues pledged for their payment as authorized in this chapter or IC 14-6-29 (before its repeal).

*As added by P.L.1-1995, SEC.6.*

#### **IC 14-13-1-32**

##### **Revenue bonds; redemption; negotiability**

Sec. 32. (a) Revenue bonds issued under this chapter or under IC 14-6-29 (before its repeal) may be made redeemable before maturity at the option of the commission at the price and under the terms and conditions that are set by the commission in the authorizing resolution. The commission shall do the following:

- (1) Determine the form of the bonds, including any interest coupons to be attached to the bonds.
- (2) Fix the denomination of the bonds.
- (3) Fix the place of payment of principal and interest, which may be at any bank or trust company within or outside Indiana.

(b) Revenue bonds have the qualities and incidents of negotiable instruments under Indiana law. Provision may be made for the registration of any of the bonds as to principal alone and also as to both principal and interest.

*As added by P.L.1-1995, SEC.6.*

#### **IC 14-13-1-33**

##### **Revenue bonds; requirements**

Sec. 33. (a) Revenue bonds issued under this chapter shall be issued in the name of the commission and must recite on the face of each bond that the principal of and interest on the bond are payable solely from revenues pledged for their payment and are not an obligation of the state or of a political subdivision of the state.

(b) The chairman of the commission shall execute the bonds, and the secretary of the commission shall affix and attest the seal of the commission.

(c) Coupons attached to the bonds must bear the facsimile signature of the chairman of the commission.

*As added by P.L.1-1995, SEC.6.*

#### **IC 14-13-1-34**

##### **Revenue bonds; authority to issue**

Sec. 34. This chapter and IC 14-6-29 (before its repeal) constitute full and complete authority for the issuance of revenue bonds. A law, a procedure or proceeding, a publication, a notice, a consent, an approval, an order, an act, or a thing by the commission or any other officer, department, agency, or instrumentality of the state, a county, or a municipality is not required to issue revenue bonds except as prescribed in this chapter or IC 14-6-29 (before its repeal).

*As added by P.L.1-1995, SEC.6.*

#### **IC 14-13-1-35**

##### **Revenue bonds; legal investments**

Sec. 35. Revenue bonds issued under this chapter or IC 14-6-29 (before its repeal) constitute legal investments for the following:

- (1) Private trust money.
- (2) The money of banks, trust companies, insurance companies, building and loan associations, credit unions, banks of discount and deposit, savings associations, mortgage guaranty companies, small loan companies, industrial loan and investment companies, and any other financial institutions organized under Indiana law.

*As added by P.L.1-1995, SEC.6.*

#### **IC 14-13-1-36**

##### **Revenue bonds; refunding bonds**

Sec. 36. (a) The commission may issue refunding bonds in the name of the commission for the following purposes:

- (1) Refunding any bonds then outstanding and issued under this chapter or under IC 14-6-29 (before its repeal), including payment of redemption premium and interest accrued or to accrue to the date of redemption of the outstanding bonds.
- (2) If considered advisable by the commission, constructing improvements, extensions, or enlargements of a facility, a

betterment, or an improvement in connection with which the bonds to be refunded have been issued.

(b) The issuance of the refunding bonds, the maturity dates and other details, and all rights, duties, and obligations of the holders of the refunding bonds and of the commission with respect to the refunding bonds are subject to this chapter.

*As added by P.L.1-1995, SEC.6.*

#### **IC 14-13-1-37**

##### **Public purpose**

Sec. 37. The exercise of the powers granted by this chapter is for the benefit of the people of Indiana and for the increase of their commerce, health, enjoyment, and prosperity. The operation, creation, development, and maintenance of the projects by the commission constitutes the performance of essential governmental functions.

*As added by P.L.1-1995, SEC.6.*

#### **IC 14-13-1-38**

##### **Tax exemptions**

Sec. 38. (a) The commission is not required to pay any taxes or assessments upon any of the following:

- (1) A project of the commission.
- (2) A facility, betterment, or improvement within a project.
- (3) Property acquired or used by the commission under this chapter or IC 14-6-29 (before its repeal).
- (4) The income or revenue from the property.

(b) The:

- (1) bonds issued under this chapter or under IC 14-6-29 (before its repeal);
- (2) interest on the bonds;
- (3) proceeds received by a holder from the sale of the bonds to the extent of the holder's cost of acquisition;
- (4) proceeds received upon redemption before maturity or proceeds received at maturity; and
- (5) receipt of interest and proceeds;

are exempt from taxation in Indiana for all purposes except the financial institutions tax imposed under IC 6-5.5 or a state inheritance tax imposed under IC 6-4.1.

*As added by P.L.1-1995, SEC.6. Amended by P.L.254-1997(ss), SEC.19.*

#### **IC 14-13-1-39**

##### **Applicability of IC 8-23-17**

Sec. 39. IC 8-23-17 applies to activities conducted under this chapter.

*As added by P.L.1-1995, SEC.6.*

#### **IC 14-13-1-40**

##### **Consideration of racial minorities**

Sec. 40. It is the intent of the general assembly that consideration be given to the selection of persons who are members of racial minorities for the following:

- (1) Appointment to the commission.
- (2) Appointment to the advisory councils created by this chapter.
- (3) Constructing, improving, developing, operating, or managing projects, facilities, or improvements of the commission.
- (4) Entering into contracts or leases or receiving licenses to be awarded under this chapter.

*As added by P.L.1-1995, SEC.6.*